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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,

10 Plaintiff,

11 v.

12 Frank Capri, *et al.*,

13 Defendants.  
14

No. CR-20-00096-PHX-JJT

**ORDER**

15 At issue is Defendant Frank Capri's Motion for Early Termination of Supervised  
16 Release (Doc. 345), to which the government filed a Response in opposition (Doc. 347),  
17 and in support of which Defendant filed a Reply (Doc. 348). The Court sentenced  
18 Defendant to a term of 60 months in custody followed by 36 months of supervised  
19 release for conspiracy to commit wire fraud and tax evasion that resulted in losses to  
20 various victims and the government of over \$19 million. Defendant completed his term of  
21 imprisonment on October 5, 2023, and thereafter commenced serving his term of  
22 supervision. At this writing, Defendant has completed nearly 21 months of the 36-month  
23 term of supervision.

24 In his Motion, Defendant seeks immediate termination of his supervised release,  
25 noting in particular one of the terms of supervision—Special Condition No. 7, which  
26 restricts him from any job in which he would be “responsible for the management of  
27 financial transactions or [have] fiduciary responsibility.” (Doc. 321 at 4.) Defendant  
28 asserts that this condition of his supervision has resulted in his inability to secure

1 employment, as Defendant's probation officer has found positions offered to Defendant  
2 to contain such prohibited responsibilities and therefore to be unacceptable employment  
3 for Defendant. (Doc. 345 at 2.) Additionally, Defendant argues that, because he is only  
4 paying \$100 per month in restitution against an obligation of over \$18 million, continuing  
5 his supervision will result in only a drop in the restitution bucket, yet that supervision will  
6 cost the government significantly more to continue for the next 15 months.

7 Both the government and Defendant in their motion practice have clarified that the  
8 supervising probation officer has based his lack of support for early termination on the  
9 ground that so much restitution is owed. And the Court understands that, at a rate of \$100  
10 per month, what Defendant is paying and would continue to pay represents a *de minimus*  
11 fraction of the total restitution. That consideration is not what this Court's decision hinges  
12 upon.

13 First of all, restitution in any amount, while it certainly is intended to go toward  
14 making a victim or victims whole, also has the purpose and effect of requiring a  
15 defendant to revisit on a monthly basis, every time he writes that check, what he did to  
16 his victims. That purpose is not affected by the minimum amount of the check he may  
17 write. But even that is not the Court's central concern with regard to the decision here.

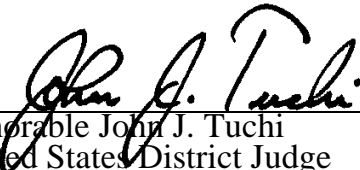
18 Second, and what is core to the Court's decision, is the Court's consideration of  
19 the purposes of the sentence imposed under 18 U.S.C. § 3553(a), with a particular focus  
20 on the outsized factors in this case including the nature of the offense and the quantum of  
21 the harm visited upon the victims by the Defendant's offenses of conviction, and the need  
22 to protect the community from future offenses by him like this. As the government  
23 recounted in its Response and as the Court is aware from sentencing in this matter,  
24 Defendant orchestrated, and was the central manager of a scheme that spanned several  
25 years, and involved the use and coordination of multiple defendants, including persons  
26 with specialized skills to include the law, finance, and accounting, to take victims'  
27 money. And central to his scheme was his access to—and control of—other people's  
28 funds through the management and control of a business. The Court, therefore, will be

1 particularly vigilant about imposing and enforcing conditions of supervision that guard  
2 against this danger above all others, in light of the nature of the offense of conviction, for  
3 as long as it judges necessary to provide that protection to the community, or until the  
4 expiration of the term of supervision the Court imposed in its sentence, whichever comes  
5 first.

6 The Court acknowledges that the Defendant's performance on supervision to this  
7 point, as reflected by a lack of reported problems, may portend a meaningful positive  
8 change in the Defendant and how he will conduct himself going forward, and it hopes  
9 that is so. But it has not seen anything to this point that would suggest justification to  
10 remove supervision in general and in particular this important and tailored protection to  
11 the public as set forth in Special Condition No. 7.

12 **IT IS THEREFORE ORDERED** denying Defendant's Motion for Early  
13 Termination of Supervised Release (Doc. 345) without prejudice.

14 Dated this 30th day of June, 2025.

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18 Honorable John J. Tuchi  
United States District Judge  
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